

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

**PJH 9510
Tax ID No. 11 3178696**

In re:

Bankr. Case No.: 1-14-42417-NHL

EDUARD VERNIK and
OKSANA VERNIK,

Chapter 7

Debtors.

OKSANA VERNIK,

Adv. Proc. No.: 11-09272

Plaintiff,

v.

SALLIE MAE, INC., CORNERSTONE
DEPARTMENT OF EDUCATION, and
LONG ISLAND UNIVERSITY,

AFFIDAVIT OF PAUL J. HOOTEN
IN SUPPORT OF DEFENDANT,
NAVIENT SOLUTIONS, INC.'S
MOTION TO COMPEL

Defendants.

I, the undersigned, state:

1. I am the attorney of record for the Defendant, Navient Solutions, Inc., f/k/a Sallie Mae, Inc. ("Navient"), in this adversary proceeding brought by the Plaintiff, Oksana Vernik ("the Plaintiff").

2. On December 3, 2014, the Plaintiff filed a Complaint naming, *inter alia*, Sallie Mae, Inc., now known as Navient, as a Defendant seeking a discharge of educational loan debt under 11 U.S.C. §523(a)(8).

3. On January 16, 2015, Navient filed its Answer to the Plaintiff's Complaint.

4. On January 20, 2015, my office served the Plaintiff with Navient's First Set of Interrogatories, First Request for Production of Documents and First Set of

Requests for Admission (collectively “the Discovery”). A true and correct copy of the Certificate of Service of the Discovery is attached hereto as Exhibit “A” and made a part hereof.

5. Pursuant to Fed. R. Civ. P. 33, 34 and 36, the Plaintiff’s responses to the Discovery were due on or about February 19, 2015.

6. Having received no responses to the Discovery and in an effort to resolve this discovery dispute without seeking Court intervention, on March 6, 2015, national counsel for Navient sent a letter via e-mail and U.S. mail to the Plaintiff’s counsel indicating that the Plaintiff’s responses to the Discovery were overdue and requesting said responses within ten (10) days, and/or offering to consider an extension to respond to the Discovery, if Plaintiff needed more time to respond. A true and correct copy of the March 6, 2015, letter to counsel for the Plaintiff is attached hereto as Exhibit “B” and made a part hereof.

7. To date, no response to the aforementioned letter of March 6, 2015, nor to the Discovery, has been received by counsel for Navient.

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Executed this 31st day of March, 2015, in the Eastern District of New York.

I declare under penalty of perjury of the laws of the United States that the foregoing
is true and correct.

By: /s/ Paul J. Hooten
Paul J. Hooten, Esquire (PJH9510)
PAUL J. HOOTEN & ASSOCIATES
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Counsel for Navient Solutions, Inc.

Sworn to and subscribed before me

this 31st day of March, 2015.

/s/ Cheryl E. Lorefice
NOTARY PUBLIC
My Commission Expires: